The demand was put and carried.

4. 17—Jails—Rs. 36,953.

Rama Varmha Tampuran.—Sir, I rise to move for an allotment of Rs. 36,953 under XVII—Jails. There are not any particular points for elucidation or detailed comment in the next year's budget. Almost all the figures are mere repetitions and therefore I do not want to waste the time of the House by elaborating on them. I request the House may be pleased to grant the allotment.

Motion No. 1.

Mr. K. Mohamed Seethi.—*To reduce the allotment of Rs. 37,206 for Jails by Re. 1.*—The points which necessitated this cut motion, if I remember aright, were brought to the notice of Government during the budget discussion of last year and if I remember aright the Hon'ble Member representing Government then assured me that there were no difficulties in the matter of the burial of the Muslims who died in the Central Jail and that according to the Jail Rules there was nothing preventing facilities being afforded in the matter of worship by the Muslim prisoners. I do not myself know whether any instructions were given to the Jail authorities by the Government on these points. Sir, I do not know whether this House knows fully well the strong sentiment that exists in the Muslim community in the matter of burial. Muslims desire that their dead bodies should be buried by Muslims and none else. If a burial takes place at the hands of others it is considered to be a burial absolutely unhallowed and even irreligious and would be looked upon as an omission of duty on the part of the brethren in faith of the dead person. If their duty in this respect is not attended to by the other members of the local community it is considered to be a sin. I had on one or two occasions received letters from people who were discharged from the Central Jail complaining that there was some hardship in these matters and the Muslim inmates of the Jail felt aggrieved thereby. They wrote to me to say that I should bring this matter to the notice of the Government. I do not know whether any instructions were issued by the Government to the Jail authorities so far. If so, the purpose of my cut motion has been fulfilled and if I get some light from the Government side on this point there may not be any necessity at all for my pressing this cut. With these few words I move this cut.

Rama Varmha Tampuran.—The Jail authorities know very well that they can hand over the dead bodies to the relatives o fthe deceased. No special and specific instruction is required

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and we have not had any complaint from private parties. Nor was the point referred to us by the authorities in charge of the Jail. Therefore, I do not know what further instruction is required. I do not think that really any further instruction is required.

Mr. P. Krishna Menon.—Is there no provision in the Jail Rules with regard to the dead bodies ?

Rama Varmha Tampuran.—Yes. There are.

Dr. A. R. Menon.—The position is this. The Jail authorities do not refuse to hand over the dead bodies provided anybody is willing to take it. But the Jail authorities at the present moment do not incur any expenditure, nor do they help the people to remove the body. The body will be handed over, but beyond that the Jail authorities do not do anything now. If you introduce this system it must be introduced all round. There are other communities who may also claim such privileges and it is for the Government to consider whether this expenditure has to be incurred. No financial help is rendered and what the Muhammadans of Trichur is doing now on my advice is conducting a small collection on Friday so that they may remove such dead bodies from the Jail. As regards the prayer I think there has been no complaint. I myself am not sure. But I know this much. All such facilities are given generally and if it is not given it is due to the want of discipline. The Jail is gradually becoming a place of reformation instead of a place of punishment. There is not the least doubt that this request, if made to the Jail authorities or to the non-official visitors more frequently, would have been satisfied. Beyond that I myself am not certain about it.

Mr. C. Barton Wright.—Do they communicate if there is a death.

Dr. A. R. Menon.—I do not know.

Mr. C. Barton Wright.—That is an important fact.

Mr. K. Mohamed Seethi.—It is not a question as to whether the Jail authorities can hand over the dead bodies. I never meant that the Jail authorities had any disabilities. The question is whether they have a duty to give information to the local community about the occurrence of the death. The local community may not know that a death has taken place in the Jail and unless some information is given to them they may not come to know of it. The authorities can hand over the dead body for burial only if there is a demand for it which would be made if people know about the death. In the matter of prayer also unless the Jail authorities tell the prisoners that they might be given facilities for prayer, the latter may not ask for them at all in the fear that they would not be conceded. So there is a clear

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necessity for instructions being given to the Jail authorities That is what I wanted to urge upon the Government.

Rama Varmha Tampuran.—If there is any local organisation who will be glad to receive information and if we have the address of that association the Government can assure the Hon'ble Member that we have no objection to intimate to them of the death of the Muslim prisoners.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഉടമസ്ഥന്മാരെ അറിയിക്കുമോ?

Rama Varmha Tampuran.—That may be rather difficult.

Mr. K. Mohamed Seethi.—If it is intimated to the Mosque it is quite enough. That is the central place where the entire congregation meets.

Rama Varmha Tampuran.—If the Mosque will be willing and if that fact is communicated to the Government, it will be done.

Mr. K. Mohamed Seethi.—In the matter of prayer also the Government must give instruction to the Jail authorities to make all possible facilities to the inmates of the Jail.

Rama Varmha Tampuran.—They have powers to give all necessary facilities, and I don't see the necessity of giving further instructions.

Mr. K. Mohamed Seethi.—If instructions are given as a reminder there is nothing to be lost by that.

Rama Varmha Tampuran.—There is no obj ction to write to the authorities.

Mr. K. Mohamed Seethi.—I have no intention of pressing this motion.

Motion withdrawn with leave of the House.

Motion No. 2.

As the Member was absent the following motion was considered withdrawn.

Mr. A. Sankara Poduval.—*To reduce the allotment of Rs. 37,206 for Jails by Re. 1.*

To point out the impropriety in the appointment recently made of the Jail Superintendent ignoring the legitimate claims of the next subordinate officer in the Department.

Motion No. 3.

Dr. A. R. Menon.—*To reduce the allotment of Rs. 37,206 for Jails by Re. 1.* Sir, the object of this motion is to suggest to the Government further improvements in the Jail administration. This question of Jail administration was taken up a few years ago and as a result of that representation in this House a committee consisting of the Inspector-General of Prisons, the Chief Medical and Sanitary Officer and myself was appointed and that committee made a number of recommendations to the

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Government. We have only embodied those points on which there was a common agreement among us. Therefore purposely not to a strike a discordant note I have, omitted certain other representations that I would have liked to introduce at the time and knowing that a unanimous report would have more weight with the Government in the matter of Jail administration, I modified or rather I deluded my own opinion so as to suit the opinion of my brother committee members. Now, the majority of those recommendations have been incorporated in the Jail Manual and the result of those recommendations, as any one can see and as I just now mentioned, was that instead of being a place of horror the Jail has become a well ordered place and the word 'punishment' has been replaced by the word 'reformation'.

Another great result that we have watched and I have watched for seven years now is that the more humane the treatment that is accorded to the prisoners the greater the response to discipline and orderliness. In other words the more you approach to humanity the more humane the prisoners become. The more you treat them like wild animals the more harsh they become. This principle has been exemplified in this jail. The jail has become one of the best managed in the whole of India. Now time has come to go a step further and to introduce further reforms and I shall mention only two or three reforms now. The object of mentioning it here is not the difficulty of getting the Government to move but to enlist the sympathy of this House and if this House shows to the Government that they are in sympathy with the reforms of the jail the Government will have the moral support in undertaking further reforms. I am bound to admit that the non-official committee's quarterly reports have been gone through carefully and almost all the recommendations that have been submitted to the Government have been accepted by them. So it is not with a spirit of grievance that I suggest some reforms but with this idea of taking the Council along with us so that the moral support of the Council may induce the Government to proceed much quicker than they might otherwise do. The reforms that I would suggest are not very far-reaching but of very momentous importance. Two are mild ones, very ordinary. The one is to give them sufficient clothing. The prisoners are not supplied enough clothing. They are given one set of clothes. It is impossible for any one to manage with one set of clothes. I do not want to hear the economic depression when we are dealing with jail. You have no business to say that you have no money when you are dealing with jail. It is your duty to see that the prisoners are properly treated. Therefore I hope that the Secretary would not inflict us with another sermon about the depres-

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sed condition of the Government. My request is that they may be given one more shawl, so that they may have a change of clothes. Now when they are bathing they have nothing to wear upon except their loin cloths.

The second reform is that they must be supplied with pillows. They are now given mattresses and blankets. But a prisoner lying on a pillow will not be a more dangerous person than the one who lies without a pillow. Let the Government understand thoroughly well that the better the treatment that they accord to the prisoners the less will be the number of prisoners who fill the jail. If you grasp this fundamental principle, then you will be ready to come forward and do everything necessary. So far as the food is concerned, I have nothing to say.

The third thing is about the time. That is a much important thing. The prisoners are generally locked up at 6 o'clock and they are kept under lock and key till half-past five in the morning. Sometimes 6 o'clock is not dark. What is the objection in allowing the prisoners a couple of hours' conversation among themselves, playing chess, playing cards, reading, etc.? Will anybody tell me that you make them better men by keeping them under lock and key for another extra 2 hours? That was the point that I wanted the Government to consider. The only objection that was raised—and the same objection was raised in the Coimbatore Jail when I went there—is that it would be very difficult to keep prisoners in order and that they will enter into some sort of arrangement to attempt to escape—and it is the inherent right of every prisoner to make an attempt to escape and it is the duty of the Superintendent to see that it does not occur. This is the answer to that question. We must take the necessary precautions to see that they do not escape. But simply because that they should not escape it would be much easier to keep them under lock and key all the 24 hours. That would be a greater protection, if protection is the only criterion for these people. Therefore I want the Government to introduce further minor reforms. I have certainly to bring it to the notice of the Government. As I said before, it is only to see how the wind blows, to get an indication whether the House is also in sympathy with the Government in effecting these things, it is for that I have tabled this motion. Let it be clearly understood that I have no complaint against the attitude of the Government. Government can only undertake such changes much more easily if the House also shows its incline. I would like to place this matter before this House to get an inkling as to how the wind blows.

Mr. M. A. Chakko.—On a point of information. I would like to know about the conversation time and all that. Is any grouping of prisoners proposed?

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Dr. A. R. Menon.—What I meant was, locking time begins at 6 o'clock. They may be allowed to go into a hall where they may have some sort of recreation till 8 o'clock. After 8 o'clock they may be kept under lock and key. I know what you are thinking. (*Laughter*).

മിസ്റ്റർ. കെ. അയ്യപ്പൻ.—ജയിൽ പുള്ളികളോടു ദയവായി പെരുമാറിയാൽ അവർ നന്നാകുമെന്നുള്ള തത്വത്തെ ഗവൺമെണ്ടു് ഒരിയ്ക്കലും നിഷേധിക്കുവാൻ പാടുള്ളതല്ല. എനിക്കു് ഒന്നുകൂടി പറവാനുള്ളതു് ജയിലിൽ പോയിട്ടുള്ളവരെല്ലാം നമ്മുടെ ഇപ്പോഴത്തെ നീതിന്യായക്രമം വിധിക്കുന്നതുപോലെതന്നെ ചീത്തയായിരിക്കണമെന്നില്ല. അവർ അത്ര ചീത്തയല്ലെന്നു് ഇതിലും നല്ല നീതിന്യായം വരുമ്പോൾ പക്ഷെ നമ്മൾ സമ്മതിക്കേണ്ടിവന്നേക്കും. ഒരു ഉദാഹരണംകൊണ്ടു് ഞാൻ പറയുന്ന തത്വം വിശദമാക്കാം. വിശന്നു പൊരിയുന്ന ഒരു ദരിദ്രൻ ഒരു പറമ്പിൽനിന്നു് രണ്ടു തേങ്ങ ഇട്ടെടുത്തു എന്നു വിചാരിക്കുക. കാപട്യമായ ഒരു സാമ്പത്തിക സമ്പ്രദായംകൊണ്ടു് സമ്പത്തു മുഴുവൻ പുരുക്കം ചിലരുടെ കൈവശമായി. മറ്റുള്ളവർ ദരിദ്രരായി കിടക്കുമ്പോൾ അവരിൽ ചിലർ ഇങ്ങിനെ ചെയ്യാൻ ഇടവരുന്നതു് അത്ഭുതമാണോ? ആരാണു് വാസ്തവത്തിൽ വലിയ അപഹരണം നടത്തുന്നതു്. വാസ്തവത്തിലുള്ള അപഹരണത്തെ സാധൂകരിക്കയും, നിലയില്ലാതെ വയറുകത്തു" അടക്കാനും മറ്റും ചിലർ ചെയ്യുന്ന ചില്ലറ കാര്യങ്ങളെ കഠിനമായി ശിക്ഷിക്കയും ചെയ്യുന്ന ഇപ്പോഴത്തെ നീതിന്യായക്രമം മാറിയേക്കും. ഇപ്പോഴത്തെ നിലയിൽതന്നെ തടവുകാരോടു ദയവായി പെരുമാറേണ്ടതു് മനശാസ്ത്രതത്വം അനുസരിച്ചു് ആവശ്യമാണു്.

Mr. I. N. Menon.—Sir, on a point of information. Will not greater reforms inside the jail lead to want of discipline? For instance—I do not mean this particular suggestion alone—usually lowering of punishments lead to want of determent. Punishment has got both these aspects. It must deter all who are outside.

Dr. A. R. Menon.—No one in this world has been able to prove that hanging has a deterrent effect upon the murder, because the man who commits the murder does nat consider the consequences of his actions. He does it in a temporary insane condition. He does not think of the consequences of it. If you take the statistics of any country where there is hanging the number of murders is greater.

Mr. I. N. Menon.—Because capital punishment is singular; capital punishment cannot have such an effect. I am referring to the ordinary crime.

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Dr. A. R. Menon.—I will simply say one word. There is a Pulaya there, a very poor man. I asked a question, 'why, you are getting only 2 annas for working from morn till night. Now here you are fed three times. You have got blankets, mattresses. What more do you want?' But he said "അതൊക്കെ ശരിയാണ്, പുറത്തേയ്ക്ക് പോകുവാൻ വയ്യല്ലോ വേണ്ടസമയത്തു". It is that deprivation of liberty that is the punishment and not the physical endurance.

Rama Varmha Tampuran.—I can give only a reply that may not be very satisfactory to the House and that is the usual one, that these things will be considered.

Motion withdrawn with leave.

The demand was put and carried.

(5) 12.—Jails—Cranganur—Rs. 270.

Rama Varmha Tampuran.—Sir, I rise to move for an allotment of Rs. 270 under 12—Jails—Cranganur. I request that this amount may be passed by the House.

The demand was put and carried.

(6) 18—Police—Rs. 1,95,835.

Mr. P. Nilakanta Menon.—I rise to move for a grant of Rs. 1,95,835 under Police for the working of my Department for the year 1108. The House would be pleased to see that every care was taken to cut down the expenditure to the lowest level possible consistent with the requirements of efficiency and only the bare inevitable expenditure is asked for in view of the hard times that we are passing through. I request that the same may be granted.

Motion No 1.

Mr. K. P. Vallon:—*To reduce the allotment of Rs. 1,25,832 for Police—Executive by Re. 1.*

സർ, അധഃകൃത മർദ്ദനത്തെ തടയുവാൻ പോലീസ് ഉത്സുകതയും മനഃപൂർവ്വമായും ഉത്സാഹിക്കണമെന്നപേക്ഷിക്കുവാനാണ് ഞാൻ ഈ കട്ട് മോഷൻ കൊണ്ടുവന്നിട്ടുള്ളതു". എന്നാൽ ഇപ്പോഴും അധഃകൃതമർദ്ദനം ഒരു പകർച്ചവ്യാധിയായിട്ടാണ് കാണപ്പെടുന്നതു. എവിടെ നോക്കിയാലും ഏതു പേപ്പറിൽ നോക്കിയാലും എന്തുകൊണ്ട് നോക്കിയാലും അധഃകൃതമർദ്ദനം, അധഃകൃതമർദ്ദനം എന്നുള്ള ഒരു ശബ്ദമേ കേൾക്കാനുള്ളൂ. അധഃകൃതരെ സംബന്ധിച്ചു നോക്കുകയാണെങ്കിൽ അവർക്കു പണമില്ല, പഠിപ്പില്ല, കോട്ടകാര്യസ്ഥതയില്ല, മുട്ടാളത്തരമില്ല. ഇങ്ങനെ നോക്കിയാലും അവരെകൊണ്ട് യാതൊരു വിരോധവുമില്ലെന്നിരുന്നിട്ടും കൂടി അവരെ മനഃപൂർവ്വമായി ഉപദ്രവിക്കുന്ന ഒരു സമ്പ്രദായം നമ്മുടെ രാജ്യത്തു് ഒട്ടാകെ പരന്നിട്ടുണ്ട്. ഈ ഒരു വിഷയത്തിൽ പോലീസ് കമ്മീഷണർ അവർകൾ ഉത്സുകതയായി ഉത്സാഹിക്കുകയാണെങ്കിൽ നിശ്ചയമായിട്ടും ഇതു നിന്നുപോകും. ഒരുപക്ഷെ ഒരു അധഃകൃതനെ മർദ്ദിച്ചാൽ അവരിൽ

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